

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MONTRELL FORTUNE,

Plaintiff,

-against-

THE STATE OF NEW YORK; THE  
DEPARTMENT OF CORRECTION,

Defendants.

21-CV-4237 (CM)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated May 13, 2021, the Court directed Plaintiff to either pay the \$402.00 in fees that are required to file a civil action in this court or submit a completed request to proceed *in forma pauperis* (IFP) application and prisoner authorization within thirty days. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not paid the filing fees or filed an IFP application and prisoner authorization. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal.

*Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: July 14, 2021  
New York, New York

/s/ Laura Taylor Swain  
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LAURA TAYLOR SWAIN  
Chief United States District Judge